

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE

UNITED STATES OF AMERICA

v.

REBECCA F. KIRBY

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Case No. 3:04-CR-46  
Judge Phillips

**AGREED ORDER OF REVOCATION**

A Petition for Revocation of Probation has been filed against the defendant, Rebecca F. Kirby, and the defendant admits that she has violated certain conditions of her probation. An agreement has been reached between the parties, recommending that Ms. Kirby's probation should be revoked and that she should receive a sentence of three (3) months incarceration followed by twenty-four (24) months of supervised release.

Ms. Kirby agrees to waive her right to a hearing pursuant to Rule 32 of the Rules of Criminal Procedure, waive her right to allocute at a revocation hearing, and asks that the agreement of the defendant and the government pursuant to Rule 11 of the Federal Rules of Criminal Procedure be found to be a proper sentence.

This Court has considered the Chapter Seven policy statements in the United States Sentencing Guidelines. The parties agree that the violations committed by the defendant are "Grade C" violations. The defendant's criminal history category is I. The advisory guideline range is 3-9 months which the Court has carefully considered. There is a statutory maximum of 2 years imprisonment which the Court has also considered. The Court has also considered the factors listed in 18 U.S.C. §3553(a).

The Court finds that the recommended sentence is sufficient, but not greater than necessary, to comply with the purposes set forth in 18 U.S.C. §3553(a) and the Chapter Seven policy statements. Specifically, the Court finds that the defendant has failed to submit regular monthly reports, that she has not reported for required drug screens, and that she failed to notify the probation officer of a state arrest within 72 hours of the arrest.

IT IS HEREBY ORDERED, therefore, that the defendant's probation is hereby revoked. The defendant is hereby sentenced to a term of imprisonment of three (3) months, to be followed by twenty-four months of supervised release under the same conditions previously ordered and with the additional condition of supervised release. Specifically, Ms. Kirby will abide by the Standard Conditions of Supervision and the following special conditions:

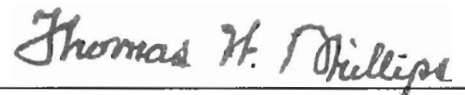
The defendant shall participate in a program of mental health treatment, as directed by the probation officer, until such time as the defendant is released from the program by the probation officer. The defendant shall waive all rights to confidentiality regarding her mental health treatment in order to allow open communication between the United States Probation Officer and the treatment providers.

The defendant shall reside at Midway Sanction Center for three months to commence immediately following her release from imprisonment and she shall observe the rules of that facility.

The defendant shall participate in a program of testing and treatment for substance abuse, as directed by the probation officer, until such time as the defendant is released from the program by the probation officer.

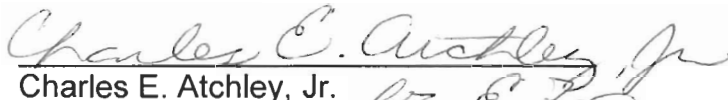
The defendant shall perform 100 hours of community service as directed by the probation officer.

It is RECOMMENDED that the Bureau of Prisons designate Rebecca Kirby to the closest facility possible to Knoxville, Tennessee.



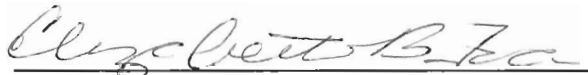
Hon. Thomas W. Phillips  
United States District Judge

APPROVED FOR ENTRY:

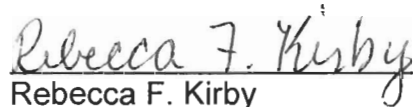


Charles E. Atchley, Jr.  
Assistant U.S. Attorney

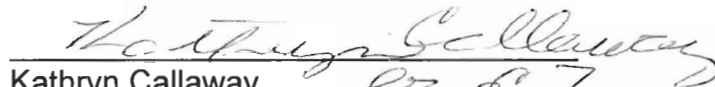
  
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Elizabeth B. Ford  
Attorney for Defendant



Rebecca F. Kirby  
Defendant



Kathryn Callaway  
U.S. Probation Office

  
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